

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIA R. RAYGOZA,  
individually and on behalf of the  
class defined herein,

Plaintiff,

VS.

FIRST RESOLUTION INVESTMENT  
CORPORATION,

Defendant.

08 CV 2891

Judge Moran  
Magistrate Judge Schenkier

## **PLAINTIFF'S PRELIMINARY MOTION FOR CLASS CERTIFICATION**

Plaintiff respectfully requests that this Court enter an order determining that this Fair Debt Collection Practices Act ("FDCPA") action may proceed as a class action against defendant First Resolution Investment Corporation ("FRIC"). Plaintiff defines the class as (a) all individuals (b) against whom defendant First Resolution Investment Corporation filed a collection lawsuit (c) in Illinois (d) subsequent to January 1, 2008, (e) without attaching to the complaint an assignment that complied with §8b of the Illinois Collection Agency Act ("ICAA").

Plaintiff further requests that Edelman, Combs, Lattuner & Goodwin, LLC be appointed counsel for the class.

In support of this motion, plaintiff states as follows:

## NATURE OF THE CASE

1. There is a substantial problem with debt buyers suing on debts that they do not own and have no right to sue on.
2. There are multiple reported cases in which debtors have been subjected to litigation because they “settled” with A and then B claimed to own the debt. Smith v. Mallick, 514 F.3d 48 (D.C.Cir. 2008) (commercial debt purchased and resold by debt buyer, debt buyer [possibly fraudulently] settles debt it no longer owns, settlement held binding because notice of assignment

not given, but obligor subjected to litigation as result). See also, Miller v. Wolpoff & Abramson, LLP, 1:06-CV-207-TS, 2008 U.S. Dist. LEXIS 12283 (N.D.Ind., Feb. 19, 2008), where a debtor complained he had been sued twice on the same debt; Dornhecker v. Ameritech Corp., 99 F. Supp. 2d 918, 923 (N.D.Ill. 2000), where the debtor claimed he settled with one agency and was then dunned by a second for the same debt, and Northwest Diversified, Inc. v. Desai, 353 Ill.App.3d 378, 818 N.E.2d 753 (1<sup>st</sup> Dist. 2004), where a commercial debtor paid the creditor only to be subjected to a levy by a purported debt buyer.

3. In Wood v. M&J Recovery LLC, CV 05-5564, 2007 U.S. Dist. LEXIS 24157 (E.D.N.Y., April 2, 2007), a debtor complained of multiple collection efforts by various debt buyers and collectors on the same debt, and the defendants asserted claims against one another disputing the ownership of the portfolio involved. Shekinah alleged that it sold a portfolio to NLRS, that NLRS was unable to pay, that the sale agreement was modified so that NLRS would only obtain 1/5 of the portfolio, and that the 1/5 did not include the plaintiff's debt. Portfolio claimed that it and not Shekinah is the rightful owner of the portfolio.

4. In Associates Financial Services Co. v. Bowman, Heintz, Boscia & Vician, P.C., IP 99-1725-C-M/S, 2001 U.S. Dist. LEXIS 7874, \*9-12 (S.D.Ind., April 25, 2001), later opinion, 2004 U.S. Dist. LEXIS 6520 (S.D. Ind., Mar. 31, 2004), allegations were made that a creditor had continued to collect accounts allegedly sold to a debt buyer.

5. Courts have also dismissed numerous collection and foreclosure lawsuits filed in the names of entities that did not own the purported debts. In re Foreclosure Cases, 1:07CV2282 and 14 others, 2007 U.S. Dist. LEXIS 84011, 2007 WL 3232430 (N.D. Ohio Oct. 31, 2007); In re Foreclosure Cases, 07-cv-166 and 18 others, 2007 U.S. Dist. LEXIS 90812 (S.D. Ohio Nov. 27, 2007); In re Foreclosure Cases, 521 F. Supp. 2d 650 (S.D. Ohio. 2007); In re Foreclosure Cases, 07-cv-166 and 14 others, 2007 U.S. Dist. LEXIS 95673 (S.D. Ohio, Dec. 27, 2007); NovaStar Mortgage, Inc. v. Riley, 3:07-CV-397, 2007 U.S. Dist. LEXIS 86216 (S.D. Ohio, Nov. 21, 2007); NovaStar Mortgage, Inc. v. Grooms, 3:07-CV-395, 2007 U.S. Dist. LEXIS 86214 (S.D. Ohio., Nov.

21, 2007); HSBC Bank USA v. Rayford, 3:07-CV-428, 2007 U.S. Dist. LEXIS 86215 (S.D.Ohio., Nov. 21, 2007); Everhome Mtge. Co. v. Rowland, 2008 Ohio 1282; 2008 Ohio App. LEXIS 1103 (Ohio App. March 20, 2008) (judgment for plaintiff reversed because it failed to introduce assignment or establish that it was the holder of the note and mortgage); Deutsche Bank National Trust Co. v. Castellanos, 277/07, 2008 NY Slip Op 50033U; 18 Misc. 3d 1115A; 2008 N.Y. Misc. LEXIS 44; 239 N.Y.L.J. 16 (Kings Co., N.Y., Sup. Ct., Jan. 14, 2008); HSBC Bank USA, N.A. v. Valentin, 15968/07, 2008 NY Slip Op 50164U; 14 Misc. 3d 1123A; 2008 N.Y. Misc. LEXIS 229 (Kings Co., N.Y., Sup. Ct., January 30, 2008); HSBC Bank USA, N.A., v. Cherry, 21335/07, 2007 NY Slip Op 52378U; 18 Misc. 3d 1102A; 2007 N.Y. Misc. LEXIS 8279; 239 N.Y.L.J. 2 (Kings Co., N.Y. Sup. Ct., Dec. 17, 2007); Deutsche Bank National Trust Co. v. Castellanos, 15 Misc. 3d 1134A; 841 N.Y.S.2d 819 (Kings. Co., N.Y. Sup. Ct. 2007).

6. An article that appeared in the trade press shortly before the extension of the Illinois Collection Agency Act to debt buyers stated:

More collection agencies are turning to the debt resale market as a place to pick up accounts to collect on. Too small to buy portfolios directly from major credit issuers, they look to the secondary market where portfolios are resold in smaller chunks that they can handle.

But what they sometimes find in the secondary market are horror stories: The same portfolio is sold to multiple buyers; the seller doesn't actually own the portfolio put up for sale; half the accounts are out of statute; accounts are rife with erroneous information; access to documentation is limited or nonexistent....

Corinna C. Petry, Do Your Homework; Dangers often lay hidden in secondary market debt portfolio offerings. Here are lessons from the market pros that novices can use to avoid nasty surprises, Collections & Credit Risk, March 2007, pg. 24 Vol. 12 No. 3.

7. Debt buyer American Acceptance filed a lawsuit alleging that a broker of charged-off debts sold it debts to which it did not have title. American Acceptance Co. v. Goldberg, 2:08cv9 (N.D.Ind.). Another debt buyer, Hudson & Keyse, filed suit alleging that the same debt broker obtained information about consumer debts owned by Hudson & Keyse and used the information to try to collect the debts for its own account, even though it didn't own them.

Hudson & Keyse, LLC v. Goldberg & Associates, LLC, 07-81047-civ (S.D.Fla., filed Nov. 5, 2007).

A similar suit, alleging that the broker resold accounts it did not own, was filed by Old National Bank, Old National Bank v. Goldberg & Associates, 9:08-cv-80078-DMM (S.D.Fla., Jan. 24, 2008). The same debt broker is accused in another complaint of selling 6,521 accounts totaling about \$40 million face value which it did not own. RMB Holdings, LLC v. Goldberg & Associates, LLC, 3:07-cv-00406 (E.D.Tenn., filed Oct. 29, 2007). Other debt buyers have voiced similar complaints. “Florida Broker Faces Multiple Lawsuits,” Collections & Credit Risk, April 2008, p. 8.

8. In a related abuse, debt buyers would “purchase” debts with minimal information about the debtor and then try to “collect” them from anyone with a similar name. In 2004, the Federal Trade Commission shut down a debt buyer called CAMCO headquartered in Illinois. The following is from a press release issued by the FTC in connection with that case.

... In papers filed with the court, the agency charged that as much as 80 percent of the money CAMCO collects comes from consumers who never owed the original debt in the first place. Many consumers pay the money to get CAMCO to stop threatening and harassing them, their families, their friends, and their co-workers.

According to the FTC, CAMCO buys old debt lists that frequently contain no documentation about the original debt and in many cases no Social Security Number for the original debtor. CAMCO makes efforts to find people with the same name in the same geographic area and tries to collect the debt from them – whether or not they are the actual debtor. In papers filed with the court, the FTC alleges that CAMCO agents told consumers – even consumers who never owed the money – that they were legally obligated to pay. They told consumers that if they did not pay, CAMCO could have them arrested and jailed, seize their property, garnish their wages, and ruin their credit. All of those threats were false, according to the FTC. . . . (<http://www.ftc.gov/opa/2004/12/camco.htm>)

9. In order to protect Illinois residents against this sort of abuse, the ICAA was amended effective January 1, 2008 to define debt buyers as “collection agencies”. This makes applicable the special assignment requirements in ICAA §8b, 225 ILCS 425/8b. Illinois courts had held prior to the amendment that a party that was required to but did not have such an assignment does not have a valid claim and that the defendant in such a case is entitled to judgment. Business Service Bureau, Inc. v. Webster, 298 Ill. App. 3d 257; 698 N.E.2d 702 (4<sup>th</sup> Dist. 1998).

10. Section 8b of the ICAA provides:

**Sec. 8b. An account may be assigned to a collection agency for collection with title passing to the collection agency to enable collection of the account in the agency's name as assignee for the creditor provided:**

**(a) The assignment is manifested by a written agreement, separate from and in addition to any document intended for the purpose of listing a debt with a collection agency. The document manifesting the assignment shall specifically state and include:**

**(i) the effective date of the assignment; and**

**(ii) the consideration for the assignment.**

**(b) The consideration for the assignment may be paid or given either before or after the effective date of the assignment. The consideration may be contingent upon the settlement or outcome of litigation and if the claim being assigned has been listed with the collection agency as an account for collection, the consideration for assignment may be the same as the fee for collection.**

**(c) All assignments shall be voluntary and properly executed and acknowledged by the corporate authority or individual transferring title to the collection agency before any action can be taken in the name of the collection agency.**

**(d) No assignment shall be required by any agreement to list a debt with a collection agency as an account for collection.**

**(e) No litigation shall commence in the name of the licensee as plaintiff unless: (i) there is an assignment of the account that satisfies the requirements of this Section and (ii) the licensee is represented by a licensed attorney at law. . . .**

11. Furthermore, the assignment must be attached to the complaint. Candice Co. v. Ricketts, 281 Ill.App.3d 359, 362, 666 N.E.2d 722 (1<sup>st</sup> Dist. 1996).

12. Finally, the assignee is required “in his or her pleading on oath allege that he or she is the actual bona fide owner thereof, and set forth how and when he or she acquired title. . . .” 735 ILCS 5/2-403(a).

13. Defendant FRIC, a debt buyer regulated by the ICAA since January 1, 2008, systematically files collection lawsuits without compliance with ICAA §8b and, therefore, without valid claims.

14. Plaintiff complains that such practice violates both the Fair Debt

Collection Practices Act, 15 U.S.C. §§1692e and 1692f, and ICAA §9. Plaintiff alleges that the filing of lawsuits without legally-sufficient title to the debts sued upon is a “false, deceptive, or misleading representation or means in connection with the collection of any debt” (15 U.S.C. §1692e), a “false representation of . . . (A) the character, amount, or legal status of any debt” (15 U.S.C. §1692e(2)), a “threat to take any action that cannot legally be taken” (15 U.S.C. §1692e(5)), and “the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer” (15 U.S.C. §1692e(10)), as well as an unfair practice, in violation of 15 U.S.C. §1692f. Plaintiff further contends that defendant violated 225 ILCS 425/8b by filing suit without an assignment in the form specified therein and “Attempt[ed] or threaten[ed] to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist. . . .” 225 ILCS 425/9. Finally, plaintiff contends that the same conduct constitutes an unfair practice within the meaning of the Illinois Consumer Fraud Act, 815 ILCS 505/2.

#### **CLASS CERTIFICATION REQUIREMENTS**

15. All requirements of Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure have been met.

16. It is reasonable to infer from the following facts that the number of class members exceeds the approximately 40 required for certification:

a. This action complains of a standard practice used by defendant. Defendant uses form complaints and never has the required assignment attached;

b. Defendant FRIC has filed, since January 1, 2008, more than 100 lawsuits against residents of Illinois. Appendix A is a printout of the Cook County Circuit Court listing of its filings. Other cases have been filed in other counties.

17. Plaintiff will obtain the exact number of class members through discovery, and requests a briefing schedule long enough to obtain such information.

18. There are questions of law and fact common to the class, which questions predominate over any questions affecting only individual class members. The primary question is

whether defendant's practice violates the FDCPA, ICAA, and the Illinois Consumer Fraud Act.

19. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

20. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases. (Appendix B)

21. A class action is superior to other alternative methods of adjudicating this dispute, in that:

a. Congress specifically contemplated FDCPA class actions as a principal means of enforcing the statute.

b. A class action is necessary to determine that defendant's conduct is a violation of law and bring about its cessation.

22. In further support of this motion, plaintiff submits the accompanying memorandum of law.

23. Plaintiff is filing a class certification motion at this time because of the decision in White v. Humana Health Plan, Inc., 06 C 5546, 2007 U.S. Dist. LEXIS 32263 (N.D.Ill., May 2, 2007).

WHEREFORE, plaintiff respectfully requests that this Court enter an order determining that this action may proceed as a class action.

Respectfully submitted,

s/Daniel A. Edelman  
Daniel A. Edelman

Daniel A. Edelman  
Cathleen M. Combs  
James O. Lattuner  
Francis R. Greene  
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(312) 419-0379 (FAX)

**CERTIFICATE OF SERVICE**

I, Daniel A. Edelman, hereby certify that on July 10, 2008, I caused to be filed the foregoing document via the CM/ECF System, which sent notification of such filing to the following parties via electronic mail:

David M. Schultz  
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[courtfilings@hinshawlaw.com](mailto:courtfilings@hinshawlaw.com)

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s/Daniel A. Edelman  
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**LIST OF APPENDICES**

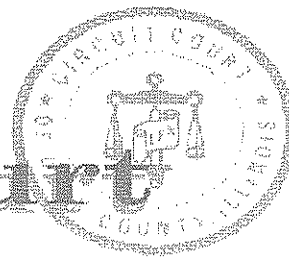
- A Search of lawsuits filed by First Resolution Investment Corporation in Cook County Circuit Court since January 1, 2008.
- B Declaration of Daniel A. Edelman.

# **APPENDIX A**

*Dorothy Brown*

# Clerk of the Circuit Court

*Cook County*

*Division: Civil*

Click on Case Number for Case Information Summary

Name Search Results for: FIRST RESOLUTION I

<u>Case Number</u>	<u>Plaintiff</u>	<u>Defendant</u>	<u>Date Filed</u>
2008-M1-142161	FIRST RESOLUTION I	SMITH BRENDA M	05/22/2008
2008-M1-138632	FIRST RESOLUTION I	CRUZ ANDRES	05/09/2008
2008-M1-138633	FIRST RESOLUTION I	HAYES RASCO	05/09/2008
2008-M1-138634	FIRST RESOLUTION I	CHINNERY LUVENIA	05/09/2008
2008-M1-138635	FIRST RESOLUTION I	BLOCKER ERICA	05/09/2008
2008-M1-138636	FIRST RESOLUTION I	NUNEZ JENNIFER	05/09/2008
2008-M1-138637	FIRST RESOLUTION I	MALONE TYRONE	05/09/2008
2008-M1-138672	FIRST RESOLUTION I	MILLER GLENN WILLI	05/09/2008
2008-M1-138675	FIRST RESOLUTION I	ALZATE NELSON	05/09/2008
2008-M1-138677	FIRST RESOLUTION I	WILKINSON JOSEPH H	05/09/2008
2008-M1-138680	FIRST RESOLUTION I	REYES ROSEMARY	05/09/2008
2008-M1-138683	FIRST RESOLUTION I	BURKE JAMES M	05/09/2008
2008-M1-138686	FIRST RESOLUTION I	GLEASON THOMAS A	05/09/2008
2008-M1-138689	FIRST RESOLUTION I	JACO HASHI	05/09/2008
2008-M1-138692	FIRST RESOLUTION I	COBURN STEPHANIE M	05/09/2008
2008-M1-138695	FIRST RESOLUTION I	CONNOLLY ROXANNE E	05/09/2008
2008-M1-138007	FIRST RESOLUTION I	MAZGAJ JEFF	05/08/2008
2008-M1-138008	FIRST RESOLUTION I	MCCANN DEKISHA C	05/08/2008
2008-M1-138009	FIRST RESOLUTION I	GRACE MIKKI	05/08/2008
2008-M1-137650	FIRST RESOLUTION I	FERDINAND BILLIE J	05/07/2008
2008-M1-137652	FIRST RESOLUTION I	STARLING ANTONIO	05/07/2008
2008-M1-137653	FIRST RESOLUTION I	ALLEN CHARLES	05/07/2008
2008-M1-137654	FIRST RESOLUTION I	YOUNUS MOHAMMOD	05/07/2008
2008-M1-137655	FIRST RESOLUTION I	LOYD ROSANNE	05/07/2008

<u>2008-M1-137656</u>	FIRST RESOLUTION I	MAGANA NORMA	05/07/2008
<u>2008-M1-137657</u>	FIRST RESOLUTION I	ATKINS CAROLYN	05/07/2008
<u>2008-M1-137658</u>	FIRST RESOLUTION I	WONG WONG Y	05/07/2008
<u>2008-M1-137659</u>	FIRST RESOLUTION I	DOKTOR BRANDON P	05/07/2008
<u>2008-M1-137660</u>	FIRST RESOLUTION I	CUNIGAN SHENIKA A	05/07/2008
<u>2008-M1-137661</u>	FIRST RESOLUTION I	RATLIFF PAUL A	05/07/2008
<u>2008-M1-137662</u>	FIRST RESOLUTION I	HOLDEN KRISTIE L	05/07/2008
<u>2008-M1-137663</u>	FIRST RESOLUTION I	ALI ERUM F	05/07/2008
<u>2008-M1-137664</u>	FIRST RESOLUTION I	BUSSI JESUS	05/07/2008
<u>2008-M1-137665</u>	FIRST RESOLUTION I	KIRKWOOD DENISE	05/07/2008
<u>2008-M1-137666</u>	FIRST RESOLUTION I	ANDERSON MICHAEL A	05/07/2008
<u>2008-M1-137667</u>	FIRST RESOLUTION I	ANGUELOV DIMITRE T	05/07/2008
<u>2008-M1-137668</u>	FIRST RESOLUTION I	IVERSON ALBERT III	05/07/2008
<u>2008-M1-137669</u>	FIRST RESOLUTION I	RODRIGUEZ ADRIAN	05/07/2008
<u>2008-M1-137670</u>	FIRST RESOLUTION I	FRANKLIN MONA	05/07/2008
<u>2008-M1-137672</u>	FIRST RESOLUTION I	ASTACIO LUIS A	05/07/2008
<u>2008-M1-137673</u>	FIRST RESOLUTION I	MILOS CHERYL	05/07/2008
<u>2008-M1-137674</u>	FIRST RESOLUTION I	BENITEZ RAMON	05/07/2008
<u>2008-M1-137675</u>	FIRST RESOLUTION I	FULGHAM NICOLE M	05/07/2008
<u>2008-M1-137676</u>	FIRST RESOLUTION I	KUTZ NATALIE M	05/07/2008
<u>2008-M1-137677</u>	FIRST RESOLUTION I	ADAMS LAURIE E	05/07/2008
<u>2008-M1-137678</u>	FIRST RESOLUTION I	JONES VALERIE E	05/07/2008
<u>2008-M1-137679</u>	FIRST RESOLUTION I	GOLDSTEIN JOSHUA W	05/07/2008
<u>2008-M1-137680</u>	FIRST RESOLUTION I	KAPITANEK SARAH R	05/07/2008
<u>2008-M1-137681</u>	FIRST RESOLUTION I	EKON FRIDAY S	05/07/2008
<u>2008-M1-137682</u>	FIRST RESOLUTION I	KAVANAGH DENISE FE	05/07/2008
<u>2008-M1-137683</u>	FIRST RESOLUTION I	ALHINNAWI NANCY A	05/07/2008
<u>2008-M1-137684</u>	FIRST RESOLUTION I	VILLA FRANCISCO	05/07/2008
<u>2008-M1-137687</u>	FIRST RESOLUTION I	JACKSON JEANNETTE	05/07/2008
<u>2008-M1-137689</u>	FIRST RESOLUTION I	LIZAMA CELINDA	05/07/2008
<u>2008-M1-137690</u>	FIRST RESOLUTION I	MCCALLAN FIONA	05/07/2008
<u>2008-M1-137691</u>	FIRST RESOLUTION I	HAWLEY PATRICIA	05/07/2008
<u>2008-M1-137692</u>	FIRST RESOLUTION I	GALVAN YOLANDA	05/07/2008
<u>2008-M1-137693</u>	FIRST RESOLUTION I	TORRES ESTELA	05/07/2008
<u>2008-M1-137694</u>	FIRST RESOLUTION I	RODRIGUEZ DANNY	05/07/2008
<u>2008-M1-135580</u>	FIRST RESOLUTION I	SALAH AHMED	05/01/2008



2008-M1-135581	FIRST RESOLUTION I	JACKSON CORNELL JR	05/01/2008
2008-M1-135582	FIRST RESOLUTION I	SAUCEDO MAGDALENA	05/01/2008
2008-M1-135583	FIRST RESOLUTION I	ROBERTS KIMBERLY	05/01/2008
2008-M1-135585	FIRST RESOLUTION I	TELLO ELVIA R	05/01/2008
2008-M1-135588	FIRST RESOLUTION I	ROSI DOMINO A	05/01/2008
2008-M1-135589	FIRST RESOLUTION I	PIEL MICHAEL	05/01/2008
2008-M1-135590	FIRST RESOLUTION I	MARTINEZ FULGENCIA	05/01/2008
2008-M1-135591	FIRST RESOLUTION I	CROWDER CATHERINE	05/01/2008
2008-M1-135592	FIRST RESOLUTION I	MCGAUGHY AUBREY	05/01/2008
2008-M1-135593	FIRST RESOLUTION I	GUZMAN ADRIAN	05/01/2008
2008-M1-135594	FIRST RESOLUTION I	JOHNSON BARBARA	05/01/2008
2008-M1-135595	FIRST RESOLUTION I	COLEMAN REGINALD	05/01/2008
2008-M1-135596	FIRST RESOLUTION I	GALVEZ MARIA	05/01/2008
2008-M1-135598	FIRST RESOLUTION I	TUMBS BENNETT E	05/01/2008
2008-M1-135933	FIRST RESOLUTION I	ENO DEBRA	05/01/2008
2008-M1-135935	FIRST RESOLUTION I	VUCKOVIC DUSAN	05/01/2008
2008-M1-135937	FIRST RESOLUTION I	TABAR JUNIOR C	05/01/2008
2008-M1-135939	FIRST RESOLUTION I	NAILOR LEGGITT	05/01/2008
2008-M1-135941	FIRST RESOLUTION I	GRANT GWENDOLYN D	05/01/2008
2008-M1-135942	FIRST RESOLUTION I	ARWOOD KANDICE M	05/01/2008
2008-M1-135943	FIRST RESOLUTION I	THOMAS TYRONE	05/01/2008
2008-M1-135944	FIRST RESOLUTION I	TRAN RICKY	05/01/2008
2008-M1-135945	FIRST RESOLUTION I	ANEJA AMIT	05/01/2008
2008-M1-135946	FIRST RESOLUTION I	TAMEZ GEORGE	05/01/2008
2008-M1-135947	FIRST RESOLUTION I	GIBSON CECELIA M	05/01/2008
2008-M1-135948	FIRST RESOLUTION I	BROWN SYLVIA	05/01/2008
2008-M1-135949	FIRST RESOLUTION I	BYNUM JOHNNA MA	05/01/2008
2008-M1-135950	FIRST RESOLUTION I	GRIMEDS ANGLEA M	05/01/2008
2008-M1-135951	FIRST RESOLUTION I	ELLIS MICHAEL W	05/01/2008
2008-M1-135952	FIRST RESOLUTION I	DAVIS-EARLS PORTIA	05/01/2008
2008-M1-135953	FIRST RESOLUTION I	TRIEGLAFF BRUCE A	05/01/2008
2008-M1-135954	FIRST RESOLUTION I	NEUBAUER SARA	05/01/2008
2008-M1-135955	FIRST RESOLUTION I	PETROFF MICHAEL	05/01/2008
2008-M1-135957	FIRST RESOLUTION I	MULLEN SIMUEL M	05/01/2008
2008-M1-135959	FIRST RESOLUTION I	SMITH ILENE	05/01/2008
2008-M1-135960	FIRST RESOLUTION I	MURPHY RANDY	05/01/2008

2008-M1-135961	FIRST RESOLUTION I	YASSIN MAHMOUD A	05/01/2008
2008-M1-135962	FIRST RESOLUTION I	BLACKWELL LEONARD	05/01/2008
2008-M1-135963	FIRST RESOLUTION I	TRAN LEE	05/01/2008
2008-M1-135964	FIRST RESOLUTION I	SHARP EDMUND D	05/01/2008
2008-M1-135965	FIRST RESOLUTION I	EDWARDS TED	05/01/2008
2008-M1-135966	FIRST RESOLUTION I	HORTON ELAINE	05/01/2008
2008-M1-135967	FIRST RESOLUTION I	TURNER GEORGIA	05/01/2008
2008-M1-135969	FIRST RESOLUTION I	GREENE VICTOR D	05/01/2008
2008-M1-135971	FIRST RESOLUTION I	GRIMAUDO LEONARD T	05/01/2008
2008-M1-134827	FIRST RESOLUTION I	MOON TAMARA	04/29/2008
2008-M1-134828	FIRST RESOLUTION I	JONES WILLIE	04/29/2008
2008-M1-134829	FIRST RESOLUTION I	SZUBRA EDWARD L	04/29/2008
2008-M1-134830	FIRST RESOLUTION I	GAMINO ARTURO	04/29/2008
2008-M1-134831	FIRST RESOLUTION I	ANDREJIC JELENA	04/29/2008
2008-M1-134832	FIRST RESOLUTION I	PULIZZI JAMES E	04/29/2008
2008-M1-134833	FIRST RESOLUTION I	HARRISON ALLEN	04/29/2008
2008-M1-134837	FIRST RESOLUTION I	SOE AUGUSTA L	04/29/2008
2008-M1-134838	FIRST RESOLUTION I	MCGEE BERTHA M	04/29/2008
2008-M1-134839	FIRST RESOLUTION I	WRIGHT ELIZABETH	04/29/2008
2008-M1-134840	FIRST RESOLUTION I	DIAZ MARION E	04/29/2008
2008-M1-134841	FIRST RESOLUTION I	BOLGER ROSA	04/29/2008
2008-M1-134842	FIRST RESOLUTION I	GARNER RICO A	04/29/2008
2008-M1-134843	FIRST RESOLUTION I	EDISON JONATHAN M	04/29/2008
2008-M1-134844	FIRST RESOLUTION I	BROWN SAMANTHA	04/29/2008
2008-M1-134845	FIRST RESOLUTION I	GUY MICAH	04/29/2008
2008-M1-134846	FIRST RESOLUTION I	WILLIAMS LARRY	04/29/2008
2008-M1-134847	FIRST RESOLUTION I	KELLY JENNIFER	04/29/2008
2008-M1-134848	FIRST RESOLUTION I	FERRELL KIMBERLY M	04/29/2008
2008-M1-134849	FIRST RESOLUTION I	PAGE CYNTHIA M	04/29/2008
2008-M1-134850	FIRST RESOLUTION I	RICKET KAREN A REY	04/29/2008
2008-M1-134851	FIRST RESOLUTION I	WALL CAROL J	04/29/2008
2008-M1-134852	FIRST RESOLUTION I	HERNANDEZ VALERIE	04/29/2008
2008-M1-134853	FIRST RESOLUTION I	COOPER CYNTHIA E	04/29/2008
2008-M1-134854	FIRST RESOLUTION I	MATTHEWS EDDRICK L	04/29/2008
2008-M1-134855	FIRST RESOLUTION I	SANTOS ANN	04/29/2008
2008-M1-134856	FIRST RESOLUTION I	BROUSIL EDWARD C	04/29/2008



2008-M1-134857	FIRST RESOLUTION I	DEBOSE CASSIDY J	04/29/2008
2008-M1-134858	FIRST RESOLUTION I	CARTER MIKAELA R	04/29/2008
2008-M1-134859	FIRST RESOLUTION I	CORONADO ERICA	04/29/2008
2008-M1-134860	FIRST RESOLUTION I	SOE AUGUSTA L	04/29/2008
2008-M1-134861	FIRST RESOLUTION I	SPEISER THADDEUS	04/29/2008
2008-M1-134862	FIRST RESOLUTION I	CAREY CARL E	04/29/2008
2008-M1-134863	FIRST RESOLUTION I	JONES TARITA	04/29/2008
2008-M1-134864	FIRST RESOLUTION I	MANUEL RONA L	04/29/2008
2008-M1-134865	FIRST RESOLUTION I	CIPRIANI DAVID B	04/29/2008
2008-M1-134866	FIRST RESOLUTION I	BROWN DONALD M	04/29/2008
2008-M1-134867	FIRST RESOLUTION I	WILLIAMSON BOBBY	04/29/2008
2008-M1-134868	FIRST RESOLUTION I	LAVARIAS ROSALINDA	04/29/2008
2008-M1-134869	FIRST RESOLUTION I	DUNN WAYNE L	04/29/2008
2008-M1-134870	FIRST RESOLUTION I	LEBRON ANAIS	04/29/2008
2008-M1-134871	FIRST RESOLUTION I	TONEY LAKEISHA S	04/29/2008
2008-M1-134872	FIRST RESOLUTION I	WILLIAMS GINEE T	04/29/2008
2008-M1-134873	FIRST RESOLUTION I	AZEEM MOHAMMAD	04/29/2008
2008-M1-134874	FIRST RESOLUTION I	KIM STEVE	04/29/2008
2008-M1-134875	FIRST RESOLUTION I	LOZA GUADALUPE M	04/29/2008
2008-M1-134876	FIRST RESOLUTION I	PATEL BHARTENDU N	04/29/2008
2008-M1-132090	FIRST RESOLUTION I	BATES RICHARD	04/22/2008
2008-M1-132091	FIRST RESOLUTION I	CASTORENA VINCENT	04/22/2008
2008-M1-132092	FIRST RESOLUTION I	DIAZ JUAN	04/22/2008
2008-M1-132093	FIRST RESOLUTION I	DAWSON DERRICK L	04/22/2008
2008-M1-132094	FIRST RESOLUTION I	BARBER DAJUAN D	04/22/2008
2008-M1-132095	FIRST RESOLUTION I	CAGER CRYSTAL	04/22/2008
2008-M1-132096	FIRST RESOLUTION I	DUNLAP DANNETTE L	04/22/2008
2008-M1-132097	FIRST RESOLUTION I	CASTRO DIANA ONG	04/22/2008
2008-M1-132098	FIRST RESOLUTION I	DELATORRE GRISEL	04/22/2008
2008-M1-131756	FIRST RESOLUTION I	BOLTON VERAL	04/21/2008
2008-M1-131001	FIRST RESOLUTION I	HENDRIX HELEN	04/18/2008
2008-M1-131002	FIRST RESOLUTION I	GONZALEZ ISRAEL	04/18/2008
2008-M1-129469	FIRST RESOLUTION I	LABOY CARISSA	04/11/2008
2008-M1-129470	FIRST RESOLUTION I	MASTERSON GEORGE W	04/11/2008
2008-M1-129471	FIRST RESOLUTION I	TEMES CONNIE	04/11/2008
2008-M1-129472	FIRST RESOLUTION I	SIMMS VERONICA E	04/11/2008

<u>2008-M1-129474</u>	FIRST RESOLUTION I	CHARLES CLAY E IV	04/11/2008
<u>2008-M1-129475</u>	FIRST RESOLUTION I	ALVAREZ JOSE D	04/11/2008
<u>2008-M1-129476</u>	FIRST RESOLUTION I	BODI ANDREA A	04/11/2008
<u>2008-M1-129477</u>	FIRST RESOLUTION I	MIMS MICHAEL A	04/11/2008
<u>2008-M1-129478</u>	FIRST RESOLUTION I	CREED ROBERT E	04/11/2008
<u>2008-M1-129479</u>	FIRST RESOLUTION I	PERKINS SHEILA L A	04/11/2008
<u>2008-M1-129480</u>	FIRST RESOLUTION I	SHURMASTER MARGARE	04/11/2008
<u>2008-M1-129481</u>	FIRST RESOLUTION I	YOUNG DAISY	04/11/2008
<u>2008-M1-129482</u>	FIRST RESOLUTION I	GASTON ELIZABETH	04/11/2008
<u>2008-M1-129483</u>	FIRST RESOLUTION I	COLUNGA GEORGE A	04/11/2008
<u>2008-M1-129484</u>	FIRST RESOLUTION I	BLANC VICK J	04/11/2008
<u>2008-M1-129485</u>	FIRST RESOLUTION I	RAYMOND KATHLEEN T	04/11/2008
<u>2008-M1-129486</u>	FIRST RESOLUTION I	HUGHES QUINCY	04/11/2008
<u>2008-M1-129487</u>	FIRST RESOLUTION I	STRZEZEWSKI APRIL	04/11/2008
<u>2008-M1-129488</u>	FIRST RESOLUTION I	STEVENS GINA	04/11/2008
<u>2008-M1-129489</u>	FIRST RESOLUTION I	KORENY TAMAS	04/11/2008
<u>2008-M1-129490</u>	FIRST RESOLUTION I	AYALA VICKY M	04/11/2008
<u>2008-M1-129491</u>	FIRST RESOLUTION I	BASS DARLENE	04/11/2008
<u>2008-M1-129492</u>	FIRST RESOLUTION I	BUSTAMANTE JAIME	04/11/2008
<u>2008-M1-129493</u>	FIRST RESOLUTION I	JOHNSON BARBARA A	04/11/2008
<u>2008-M1-129494</u>	FIRST RESOLUTION I	RAYGOZA MARIA R	04/11/2008
<u>2008-M1-129495</u>	FIRST RESOLUTION I	MEEHAN MICHAEL P	04/11/2008
<u>2008-M1-129496</u>	FIRST RESOLUTION I	ENDELEY SAMUEL M	04/11/2008
<u>2008-M1-124164</u>	FIRST RESOLUTION I	DANIELS JOANN	03/25/2008
<u>2008-M1-123586</u>	FIRST RESOLUTION I	WATKINS DORIS J	03/21/2008
<u>2008-M1-123633</u>	FIRST RESOLUTION I	ARREOLA JOSE	03/21/2008
<u>2008-M1-123194</u>	FIRST RESOLUTION I	SANTIAGO CARMELO	03/19/2008
<u>2008-M1-123204</u>	FIRST RESOLUTION I	LEVINE TODD	03/19/2008
<u>2008-M1-119404</u>	FIRST RESOLUTION I	RAMOS VICTORIAN	03/05/2008
<u>2008-M1-119405</u>	FIRST RESOLUTION I	ADEKANBI LANCE O	03/05/2008
<u>2008-M1-119406</u>	FIRST RESOLUTION I	REPIKA JAMES J	03/05/2008
<u>2008-M1-119407</u>	FIRST RESOLUTION I	NAJERA TONY M	03/05/2008
<u>2008-M1-119408</u>	FIRST RESOLUTION I	GARRETT TAYA K	03/05/2008
<u>2008-M1-119409</u>	FIRST RESOLUTION I	BARAJAS MARIA	03/05/2008
<u>2008-M1-119410</u>	FIRST RESOLUTION I	SMITH ALEXIS	03/05/2008
<u>2008-M1-119411</u>	FIRST RESOLUTION I	MILANI GLENN F	03/05/2008



<u>2008-M1-119412</u>	FIRST RESOLUTION I	MCEASTLAND PHYLLIN	03/05/2008
<u>2008-M1-119413</u>	FIRST RESOLUTION I	SPANN BRANDON O	03/05/2008
<u>2008-M1-119414</u>	FIRST RESOLUTION I	LANDFAIR CHERYL E	03/05/2008
<u>2008-M1-119415</u>	FIRST RESOLUTION I	NESIEWICZ JOSEPH	03/05/2008
<u>2008-M1-119416</u>	FIRST RESOLUTION I	RAZOTE FLORDELIZA	03/05/2008
<u>2008-M1-119417</u>	FIRST RESOLUTION I	NEWTON JOCELYN D	03/05/2008
<u>2008-M1-119418</u>	FIRST RESOLUTION I	SAUVEUR EDNER	03/05/2008
<u>2008-M1-119419</u>	FIRST RESOLUTION I	KHANINA ROBERT O	03/05/2008
<u>2008-M1-119420</u>	FIRST RESOLUTION I	HILL SIDNEY N	03/05/2008
<u>2008-M1-119421</u>	FIRST RESOLUTION I	LAROSE JOYCE E	03/05/2008
<u>2008-M1-119422</u>	FIRST RESOLUTION I	BARGYH JOHN	03/05/2008
<u>2008-M1-119423</u>	FIRST RESOLUTION I	BALENTON DAVID	03/05/2008
<u>2008-M1-119424</u>	FIRST RESOLUTION I	LEMKE RAYMOND R	03/05/2008
<u>2008-M1-119425</u>	FIRST RESOLUTION I	SCHUBRING CHRISTOP	03/05/2008
<u>2008-M1-119426</u>	FIRST RESOLUTION I	AMMONS TANYA L	03/05/2008
<u>2008-M1-119428</u>	FIRST RESOLUTION I	DEJESUS JESUS	03/05/2008
<u>2008-M1-119429</u>	FIRST RESOLUTION I	RAMSEY MARTHA	03/05/2008
<u>2008-M1-119430</u>	FIRST RESOLUTION I	MERRITT DERRICK	03/05/2008
<u>2008-M1-119431</u>	FIRST RESOLUTION I	DAVIES RAYMOND	03/05/2008
<u>2008-M1-119432</u>	FIRST RESOLUTION I	BRANCH ASHLEY D	03/05/2008
<u>2008-M1-119433</u>	FIRST RESOLUTION I	MACIASZ CHRISTINA	03/05/2008
<u>2008-M1-119434</u>	FIRST RESOLUTION I	TORRES SONIA E	03/05/2008
<u>2008-M1-119435</u>	FIRST RESOLUTION I	ROSALES LUIS F	03/05/2008
<u>2008-M1-119436</u>	FIRST RESOLUTION I	SATTAR ZAHRA	03/05/2008
<u>2008-M1-119437</u>	FIRST RESOLUTION I	BROWN MATTHEW P	03/05/2008
<u>2008-M1-119438</u>	FIRST RESOLUTION I	MUSTONEN JOSEPH F	03/05/2008
<u>2008-M1-119439</u>	FIRST RESOLUTION I	BEST JOSHUA	03/05/2008
<u>2008-M1-119440</u>	FIRST RESOLUTION I	HUERTA MAYRA	03/05/2008
<u>2008-M1-119441</u>	FIRST RESOLUTION I	PAZERUNAS JILLIAN	03/05/2008
<u>2008-M1-119443</u>	FIRST RESOLUTION I	AGEE PETER J	03/05/2008
<u>2008-M1-119445</u>	FIRST RESOLUTION I	VEGA JUAN J	03/05/2008
<u>2008-M1-119447</u>	FIRST RESOLUTION I	PIERCE LATOYA M	03/05/2008
<u>2008-M1-119449</u>	FIRST RESOLUTION I	HERNANDEZ SASLVADO	03/05/2008
<u>2008-M1-119452</u>	FIRST RESOLUTION I	SUWANRATANABU SIRI	03/05/2008
<u>2008-M1-119454</u>	FIRST RESOLUTION I	JENKINS KEVIN L	03/05/2008
<u>2008-M1-119456</u>	FIRST RESOLUTION I	YOUNG SILVER L	03/05/2008

2008-M1-119457	FIRST RESOLUTION I	ALAGNA KRISTY	03/05/2008
2008-M1-119459	FIRST RESOLUTION I	VANTREASE ZECILIA	03/05/2008
2008-M1-119461	FIRST RESOLUTION I	SWAN FELISHA	03/05/2008
2008-M1-119463	FIRST RESOLUTION I	BURLANDO STEFANIE	03/05/2008
2008-M1-119465	FIRST RESOLUTION I	MILLER SHERMAN N	03/05/2008
2008-M1-119467	FIRST RESOLUTION I	MITCHELL ROY	03/05/2008
2008-M1-119526	FIRST RESOLUTION I	ODOM KAREN E	03/05/2008
2008-M1-119527	FIRST RESOLUTION I	DEVAUL TARA D	03/05/2008
2008-M1-119528	FIRST RESOLUTION I	BLUE CARLTON G	03/05/2008
2008-M1-119529	FIRST RESOLUTION I	JACKSON LORETTA H	03/05/2008
2008-M1-119530	FIRST RESOLUTION I	MARTINEZ GABRIEL	03/05/2008
2008-M1-119531	FIRST RESOLUTION I	VIRIYAKUL NIPA A	03/05/2008
2008-M1-119532	FIRST RESOLUTION I	NORWOOD DARRYL	03/05/2008
2008-M1-119533	FIRST RESOLUTION I	HALL EDSEL C	03/05/2008
2008-M1-119534	FIRST RESOLUTION I	TERRELL DELOIS	03/05/2008
2008-M1-119535	FIRST RESOLUTION I	GERMAN DENNIS L	03/05/2008
2008-M1-119536	FIRST RESOLUTION I	MURFF RAHSHON S	03/05/2008
2008-M1-119537	FIRST RESOLUTION I	BINION LEESA A	03/05/2008
2008-M1-119538	FIRST RESOLUTION I	BURGER BRANDI M	03/05/2008
2008-M1-119539	FIRST RESOLUTION I	POKRACKI CHRISTINA	03/05/2008
2008-M1-119540	FIRST RESOLUTION I	MONTFORT HELMUT	03/05/2008
2008-M1-119541	FIRST RESOLUTION I	LOVE SHARON R	03/05/2008
2008-M1-119542	FIRST RESOLUTION I	BEREZOSKI KENNETH	03/05/2008
2008-M1-119544	FIRST RESOLUTION I	ARNOLD DARLENE D	03/05/2008
2008-M1-119545	FIRST RESOLUTION I	EYDELNANT ALEXANDE	03/05/2008
2008-M1-119546	FIRST RESOLUTION I	SANDERS MILDRED	03/05/2008
2008-M1-119547	FIRST RESOLUTION I	BELL WILLIE III	03/05/2008
2008-M1-119548	FIRST RESOLUTION I	KARCH THOMAS P SR	03/05/2008
2008-M1-119549	FIRST RESOLUTION I	BRITT TRINETTE	03/05/2008
2008-M1-119550	FIRST RESOLUTION I	GREEN TINA Y	03/05/2008
2008-M1-118778	FIRST RESOLUTION I	MURFF JEROME W	03/04/2008
2008-M1-118781	FIRST RESOLUTION I	HAYES DENISE L	03/04/2008
2008-M1-118782	FIRST RESOLUTION I	SENA JACK J	03/04/2008
2008-M1-118783	FIRST RESOLUTION I	MENZEL CHRISTOPHER	03/04/2008
2008-M1-118784	FIRST RESOLUTION I	GUZMAN OMAR	03/04/2008
2008-M1-118785	FIRST RESOLUTION I	REED CRISTAL	03/04/2008



<u>2008-M1-118786</u>	FIRST RESOLUTION I	MADAS RITA	03/04/2008
<u>2008-M1-118787</u>	FIRST RESOLUTION I	LEACHMAN BURNETTA	03/04/2008
<u>2008-M1-118788</u>	FIRST RESOLUTION I	THOMAS RICKIE G	03/04/2008
<u>2008-M1-118789</u>	FIRST RESOLUTION I	LINDAHL HARRY V JR	03/04/2008
<u>2008-M1-118790</u>	FIRST RESOLUTION I	SUTTON SANDRA	03/04/2008
<u>2008-M1-118791</u>	FIRST RESOLUTION I	TAYLOR PATRICIA	03/04/2008
<u>2008-M1-118792</u>	FIRST RESOLUTION I	BURKS PEARL	03/04/2008
<u>2008-M1-118793</u>	FIRST RESOLUTION I	HUGHES PAULA	03/04/2008
<u>2008-M1-118794</u>	FIRST RESOLUTION I	WOODFORK RAMONA	03/04/2008
<u>2008-M1-118795</u>	FIRST RESOLUTION I	ALMARAZ GUSTAVO	03/04/2008
<u>2008-M1-118796</u>	FIRST RESOLUTION I	DAVID W O CONNOR	03/04/2008
<u>2008-M1-118797</u>	FIRST RESOLUTION I	LEE MARION H	03/04/2008
<u>2008-M1-118798</u>	FIRST RESOLUTION I	MAINOR CARRIE A	03/04/2008
<u>2008-M1-118799</u>	FIRST RESOLUTION I	BOYKIN BARRON	03/04/2008
<u>2008-M1-118800</u>	FIRST RESOLUTION I	THOMAS BOBBY R	03/04/2008
<u>2008-M1-118801</u>	FIRST RESOLUTION I	TURNER ANDRE	03/04/2008
<u>2008-M1-118802</u>	FIRST RESOLUTION I	DAWOOD BEN O	03/04/2008
<u>2008-M1-118803</u>	FIRST RESOLUTION I	GAINES DEBRA S	03/04/2008
<u>2008-M1-118804</u>	FIRST RESOLUTION I	BROOKS KIMBERLY	03/04/2008
<u>2008-M1-118805</u>	FIRST RESOLUTION I	SIMPSON BARBARA JR	03/04/2008
<u>2008-M1-118806</u>	FIRST RESOLUTION I	REDINGER STEVEN A	03/04/2008
<u>2008-M1-118807</u>	FIRST RESOLUTION I	BOND ANTHONY D	03/04/2008
<u>2008-M1-118808</u>	FIRST RESOLUTION I	WILHELM LISA	03/04/2008
<u>2008-M1-118809</u>	FIRST RESOLUTION I	MONTGOMERY ROUTHER	03/04/2008
<u>2008-M1-118810</u>	FIRST RESOLUTION I	LAM KEVIN	03/04/2008
<u>2008-M1-118811</u>	FIRST RESOLUTION I	LYONS HILLIARD JR	03/04/2008
<u>2008-M1-103633</u>	FIRST RESOLUTION I	ADENIJI ALHAJI R	01/16/2008
<u>2008-M1-103635</u>	FIRST RESOLUTION I	CORTEZ ELIZABETH	01/16/2008
<u>2008-M1-103638</u>	FIRST RESOLUTION I	ARIMA DANIEL K	01/16/2008
<u>2008-M1-103641</u>	FIRST RESOLUTION I	MCCARTY SCOTT ANTH	01/16/2008
<u>2008-M1-103643</u>	FIRST RESOLUTION I	ADAMITUS KELLY N	01/16/2008
<u>2008-M1-103645</u>	FIRST RESOLUTION I	SHAH VINOD S	01/16/2008
<u>2008-M1-103647</u>	FIRST RESOLUTION I	WOODS MONIQUE	01/16/2008
<u>2008-M1-103649</u>	FIRST RESOLUTION I	PINEDA LILIANA	01/16/2008
<u>2008-M1-103651</u>	FIRST RESOLUTION I	OPATRYNY LINDA A	01/16/2008
<u>2008-M1-103653</u>	FIRST RESOLUTION I	VOULGARES CHELSEA	01/16/2008

2008-M1-103656	FIRST RESOLUTION I	GRABOWSKI JOHN K	01/16/2008
2008-M1-103658	FIRST RESOLUTION I	GRAY RHONDA L	01/16/2008
2008-M1-103660	FIRST RESOLUTION I	WALTON MONQUETTA T	01/16/2008
2008-M1-103662	FIRST RESOLUTION I	GATES VERNETTE	01/16/2008
2008-M1-103664	FIRST RESOLUTION I	CHINTALAPATI GANGA	01/16/2008
2008-M1-103666	FIRST RESOLUTION I	HILLS HEATHER M	01/16/2008
2008-M1-103668	FIRST RESOLUTION I	PACHECO JENNY	01/16/2008
2008-M1-103670	FIRST RESOLUTION I	BULIE JERMAINE	01/16/2008
2008-M1-103672	FIRST RESOLUTION I	SUYKO WHITNEY J	01/16/2008
2008-M1-103674	FIRST RESOLUTION I	FULTON RAYMOND	01/16/2008
2008-M1-103677	FIRST RESOLUTION I	BUTCHER FRANK SR	01/16/2008
2008-M1-103679	FIRST RESOLUTION I	MCCORRY WILLIAM R	01/16/2008
2008-M1-103681	FIRST RESOLUTION I	LEE TIMOTHY L	01/16/2008
2008-M1-103683	FIRST RESOLUTION I	MANZELLA JANMARIE	01/16/2008
2008-M1-103685	FIRST RESOLUTION I	OSBORNE MIRIAM D	01/16/2008
2008-M1-103687	FIRST RESOLUTION I	VILLEGAS ONECIMO	01/16/2008
2008-M1-103689	FIRST RESOLUTION I	LOWE MATTIE P	01/16/2008
2008-M1-103692	FIRST RESOLUTION I	PRESLEY MATTIE G	01/16/2008
2008-M1-103694	FIRST RESOLUTION I	HO FRED	01/16/2008
2008-M1-103696	FIRST RESOLUTION I	LAUREA CONSTANTE M	01/16/2008
2008-M1-103698	FIRST RESOLUTION I	DAWOTOLA OLORUNTO	01/16/2008
2008-M1-103700	FIRST RESOLUTION I	JOHNSON REBECCA L	01/16/2008
2008-M1-103702	FIRST RESOLUTION I	ROBINSON SHAVONNE	01/16/2008
2008-M1-103704	FIRST RESOLUTION I	MENDOZA MARY E	01/16/2008
2008-M1-103706	FIRST RESOLUTION I	WILMOT ROBERTA L	01/16/2008
2008-M1-103708	FIRST RESOLUTION I	NEUBAUER THOMAS P	01/16/2008
2008-M1-103710	FIRST RESOLUTION I	JOSHUA YHOSHUA Y	01/16/2008
2008-M1-103711	FIRST RESOLUTION I	BURRAGE HAROLD S	01/16/2008
2008-M1-103712	FIRST RESOLUTION I	ROER JEFF E	01/16/2008
2008-M1-103713	FIRST RESOLUTION I	RUMBAUGH SEAN E	01/16/2008
2008-M1-103714	FIRST RESOLUTION I	MAGIERA ELIZABETH	01/16/2008
2008-M1-103715	FIRST RESOLUTION I	GRAF LAURA J	01/16/2008
2008-M1-103716	FIRST RESOLUTION I	SMITH SONJA	01/16/2008
2008-M1-103299	FIRST RESOLUTION I	HARB WILLIAM T	01/15/2008
2008-M1-103311	FIRST RESOLUTION I	SALO DOUGLAS	01/15/2008
2008-M1-103313	FIRST RESOLUTION I	SOTO JENNIFER	01/15/2008

2008-M1-103315	FIRST RESOLUTION I	PIDO JUAN G	01/15/2008
2008-M1-103318	FIRST RESOLUTION I	TILLMAN IRIS B	01/15/2008
2008-M1-103321	FIRST RESOLUTION I	STOITZEV SPASSIMIR	01/15/2008
2008-M1-103324	FIRST RESOLUTION I	KARAFEZIEV KOSTADI	01/15/2008
2008-M1-103328	FIRST RESOLUTION I	OSEITUTU KWAKU A	01/15/2008
2008-M1-103331	FIRST RESOLUTION I	MARTINEZ MIGUEL	01/15/2008
2008-M1-103335	FIRST RESOLUTION I	MCCARTHY SEAN	01/15/2008

## **APPENDIX B**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIA R. RAYGOZA,	)	
individually and on behalf of the	)	
class defined herein,	)	
	)	
Plaintiff,	)	08 CV 2891
	)	
vs.	)	Judge Moran
	)	Magistrate Judge Schenkier
FIRST RESOLUTION INVESTMENT	)	
CORPORATION,	)	
	)	
Defendant.	)	

**DECLARATION OF DANIEL A. EDELMAN**

Daniel A. Edelman declares under penalty of perjury, as provided for by 28 U.S.C. §1746, that the following statements are true:

1. Edelman, Combs, Lattuner & Goodwin, LLC, has 5 principals, Daniel A. Edelman, Cathleen M. Combs, James O. Lattuner, Tara L. Goodwin, and Michelle R. Teggelaar and 9 associates.

2. **Daniel A. Edelman** is a 1976 graduate of the University of Chicago Law School. From 1976 to 1981 he was an associate at the Chicago office of Kirkland & Ellis with heavy involvement in the defense of consumer class action litigation (such as the General Motors Engine Interchange cases). In 1981 he became an associate at Reuben & Proctor, a medium-sized firm formed by some former Kirkland & Ellis lawyers, and was made a partner there in 1982. From the end of 1985 he has been in private practice in downtown Chicago. Virtually all of his practice involves litigation on behalf of consumers, mostly through class actions. He is the co-author of Rosmarin & Edelman, Consumer Class Action Manual (2d-4th editions, National Consumer Law Center 1990, 1995 and 1999); author of Payday Loans: Big Interest Rates and Little Regulation, 11 Loy.Consumer L.Rptr. 174 (1999); author of Consumer Fraud and Insurance Claims, in Bad Faith and Extracontractual Damage Claims in Insurance Litigation, Chicago Bar Ass'n 1992; co-author of Chapter 8, "Fair Debt Collection Practices Act," Ohio Consumer Law (1995 ed.); co-author of Fair Debt Collection: The Need for Private Enforcement, 7 Loy.Consumer L.Rptr. 89 (1995); author of An Overview of The Fair Debt Collection Practices Act, in Financial Services Litigation, Practicing Law Institute (1999); co-author of Residential Mortgage Litigation, in Financial Services Litigation, Practicing Law Institute (1996); author of Automobile Leasing: Problems and Solutions, 7 Loy.Consumer

L.Rptr. 14 (1994); author of Current Trends in Residential Mortgage Litigation, 12 Rev. of Banking & Financial Services 71 (April 24, 1996); author of Applicability of Illinois Consumer Fraud Act in Favor of Out-of-State Consumers, 8 Loy.Consumer L.Rptr. 27 (1996); co-author of Illinois Consumer Law (Chicago Bar Ass'n 1996); co-author of D. Edelman and M. A. Weinberg, Attorney Liability Under the Fair Debt Collection Practices Act (Chicago Bar Ass'n 1996); author of The Fair Debt Collection Practices Act: Recent Developments, 8 Loy.Consumer L. Rptr. 303 (1996); author of Second Mortgage Frauds, Nat'l Consumer Rights Litigation Conference 67 (Oct. 19-20, 1992); and author of Compulsory Arbitration of Consumer Disputes, Nat'l Consumer Rights Litigation Conference 54, 67 (1994). He is a member of the Illinois bar and admitted to practice in the following courts: United States Supreme Court, Seventh Circuit Court of Appeals, First Circuit Court of Appeals, Second Circuit Court of Appeals, Third Circuit Court of Appeals, Fifth Circuit Court of Appeals, Eighth Circuit Court of Appeals, Ninth Circuit Court of Appeals, Tenth Circuit Court of Appeals, Eleventh Circuit Court of Appeals, United States District Courts for the Northern and Southern Districts of Indiana, United States District Courts for the Northern, Central, and Southern Districts of Illinois, United States District Court for the District of Arizona, United States District Court for the District of Connecticut, and the Supreme Court of Illinois. He is a member of the Northern District of Illinois trial bar.

3. **Cathleen M. Combs** is a 1976 graduate of Loyola University Law School. She formerly supervised the Northwest office of the Legal Assistance Foundation of Chicago, where she was lead or co-counsel in class actions in the areas of unemployment compensation, prison law, social security law, and consumer law. She joined what is now Edelman, Combs, Latturmer & Goodwin, LLC in early 1991. Decisions in which she was involved prior to joining the firm include: Johnson v. Heckler, 607 F.Supp. 875 (N.D.Ill. 1984), and 100 F.R.D. 70 (N.D. Ill. 1983); Sanders v. Shephard, 185 Ill.App.3d 719, 541 N.E.2d 1150 (1st Dist. 1989); Maller v. Cohen, 176 Ill.App.3d 987, 531 N.E.2d 1029 (1st Dist. 1988); Wright v. Department of Labor, 166 Ill.App.3d 438, 519 N.E.2d 1054 (1st Dist. 1988); Barron v. Ward, 165 Ill.App.3d 653, 517 N.E.2d 591 (1st Dist. 1987); City of Chicago v. Leviton, 137 Ill.App.3d 126, 484 N.E.2d 438 (1st Dist. 1985); Jude v. Morrissey, 117 Ill.App.3d 782, 454 N.E.2d 24 (1st Dist. 1983). She is a member of the Northern District of Illinois trial bar.

4. **James O. Latturmer** is a 1962 graduate of the University of Chicago Law School. Until 1969, he was an associate and then a partner at the Chicago law firm of Berchem, Schwanes & Thuma. From 1969 to 1995 he was Deputy Director of the Legal Assistance Foundation of Chicago, where he specialized in consumer law, including acting as lead counsel in over 30 class actions. His publications include Chapter 8 ("Defendants") in Federal Practice Manual for Legal Services Attorneys (M. Masinter, Ed., National Legal Aid and Defender Association 1989); Governmental Tort Immunity in Illinois, 55 Ill.B.J. 29 (1966); Illinois Should Explicitly Adopt the Per Se Rule for Consumer Fraud Act Violations, 2 Loy.Consumer L.Rep. 64 (1990), and Illinois Consumer Law (Chicago Bar Ass'n 1996). He has taught in a nationwide series of 18 Federal Practice courses sponsored by the Legal Services Corporation, each lasting four days and designed for attorneys with federal litigation experience. He has argued some 30 appeals, including two cases in the United States Supreme Court and two in the Illinois Supreme



Court. Mr. Latturmer was involved in many of the significant decisions establishing the rights of Illinois consumers. He is a member of the Northern District of Illinois trial bar.

5. **Tara L. Goodwin** is a graduate of the University of Chicago (B.A., with general honors, 1988) and Illinois Institute of Technology, Chicago-Kent College of Law (J.D., with high honors, 1991). She has been with the firm since her graduation and has participated in many of the cases described below. **Reported Cases.** Williams v. Chartwell Financial Services, LTD, 204 F.3d 748 (7th Cir. 2000); Hillenbrand v. Meyer Medical Group, 682 N.E.2d 101 (Ill.1st Dist. 1997), 720 N.E.2d 287 (Ill.1st Dist. 1999); Besette v. Avco Fin. Servs., 230 F.3d 439 (1<sup>st</sup> Cir. 2000); Large v. Conseco Fin. Servicing Co., 292 F.3d 49 (1<sup>st</sup> Cir. 2002); Carbajal v. Capital One, 219 F.R.D. 437 (N.D.Ill. 2004); Russo v. B&B Catering, 209 F.Supp.2d 857 (N.D.Ill. 2002); Garcia v. Village of Bensenville, 2002 U.S. Dist. LEXIS 3803 (N.D.Ill.); Romaker v. Crossland Mtg. Co., 1996 U.S. Dist. LEXIS 6490 (N.D.Ill.); Mount v. LaSalle Bank Lake View, 926 F.Supp. 759 (N.D.Ill. 1996). She is a member of the Northern District of Illinois trial bar.

6. **Michelle R. Teggelaar** is a graduate of the University of Illinois (B.A., 1993) and Chicago-Kent College of Law, Illinois Institute of Technology (J.D., with honors, 1997). **Reported Cases:** Johnson v. Revenue Management, Inc., 169 F.3d 1057 (7<sup>th</sup> Cir.1999); Hernandez v. Attention, LLC, 429 F. Supp. 2d 912 (N.D. Ill. 2005); Coelho v. Park Ridge Oldsmobile, Inc., 247 F. Supp. 2d 1004 (N.D. Ill. 2003); Dominguez v. Alliance Mtge., Co., 226 F. Supp. 2d 907 (N.D. Ill. 2002); Watson v. CBSK Financial Group, Inc., 197 F. Supp. 2d 1118 (N.D. Ill. 2002); Van Jackson v. Check 'N Go of Illinois, Inc., 123 F. Supp. 2d 1085 (N.D. Ill. 2000), Van Jackson v. Check 'N Go of Illinois, Inc., 123 F. Supp. 2d 1079, Van Jackson v. Check 'N Go of Illinois, Inc., 114 F. Supp. 2d 731 (N.D. Ill. 2000); Van Jackson v. Check 'N Go of Illinois, Inc., 193 F.R.D. 544 (N.D. Ill. 2000); Vines v. Sands, 188 F.R.D. 302 (N.D. Ill. 1999); Veillard v. Mednick, 24 F. Supp. 2d 863 (N.D. Ill.1998); Sledge v. Sands, 182 F.R.D. 255 (N.D. Ill. 1998), Vines v. Sands, 188 F.R.D. 203 (N.D. Ill. 1999), Livingston v. Fast Cash USA, Inc., 753 N.E.2d 572 (Ind. 2001); Binder v. Atlantic Credit and Finance, Inc., 2007 U.S. Dist. LEXIS 11483 (S.D. Ind. 2007); Carroll v. Butterfield Heath Care, Inc., 2003 WL 22462604 (N.D. Ill. 2003); Payton v. New Century Mtge., Inc., 2003 WL 22349118 (N.D. Ill. 2003); Seidat v. Allied Interstate, Inc., 2003 WL 2146825 (N.D. Ill. 2003) (Report and Recommendation); Michalowski v. Flagstar Bank, FSB, 2002 WL 112905 (N.D. Ill. 2002); Bigalke v. Creditrust Corp., 2001 WL 1098047 (N.D. Ill. 2001) (Report and Recommendation); Donnelly v. Illini Cash Advance, 2000 WL 1161076 (N.D. Ill. 2000); Mitchem v. Paycheck Advance Express, 2000 WL 419992 (N.D. Ill. 2000); Pinkett v. Moolah Loan Co., 1999 WL 1080596 (N.D. Ill. 1999); Farley v. Diversified Collection Serv., 1999 WL 965496 (N.D. Ill. 1999); Davis v. Commercial Check Control, 1999 WL 965496 (N.D. Ill. 1999); Sledge v. Sands, 1999 WL 261745 (N.D. Ill. 1999); Slater v. Credit Sciences, Inc., 1998 WL 341631 (N.D. Ill. 1998); Slater v. Credit Sciences, Inc., 1998 WL 299803 (N.D. Ill. 1998).

## 7. Associates

**a. Francis R. Greene** is a graduate of Johns Hopkins University (B.A., with honors, May 1984), Rutgers University (Ph.D., October 1991), and Northwestern University Law School (J.D., 2000). **Reported Cases:** Johnson v. Thomas, 342 Ill. App.3d 382, 794 N.E.2d 919 (1<sup>st</sup> Dist. 2003); Jolly v. Shapiro & Kreisman, 237 F. Supp. 2d 888 (N.D. Ill. 2002); Parker v. 1-800 Bar None, a Financial Corp., Inc. 2002 WL 215530 (N.D. Ill. 2002); Jiang v. Allstate Ins. Co. (199 F.R.D. 267); Hill v. AMOCO Oil Co. 2003 WL 262424, 2001 WL 293628 (N.D. Ill. 2003); Roquet v. Arthur Anderson LLP 2002 WL 1900768 (N.D. Ill. 2002); White v. Financial Credit, Corp. 2001 WL 1665386 (N.D. Ill.); Ransom v. Gurnee Volkswagen 2001 WL 1241297 (N.D. Ill. 2001) and 2002 WL 449703 (N.D. Ill. 2002); Doxie v. Impac Funding Corp. 2002 WL 31045387 (N.D. Ill. 2002); Levin v. Kluever & Platt LLC 2003 WL 22757763 and 2003 WL 22757764 (N.D. Ill. 2003); Pleasant v. Risk Management Alternatives 2003 WL 22175390 (N.D. Ill. 2003); Jenkins v. Mercantile Mortgage 231 F. Supp. 2d 737 (N.D. Ill. 2002); Hobson v. Lincoln Ins. Agency, Inc. 2001 WL 55528, 2001 WL 648958 (N.D. Ill. 2001), Anderson v. Lincoln Ins. Agency 2003 WL 291928, Hobson v. Lincoln Ins. Agency 2003 WL 338161 (N.D. Ill. 2003); Handy v. Anchor Mortgage Corp., 464 F.3d 760 (7<sup>th</sup> Cir. 2006). He is a member of the Northern District of Illinois trial bar.

**b. Julie Clark** (née Cobolovic) is a graduate of Northern Illinois University (B.A., 1997) and DePaul University College of Law (J.D., 2000). **Reported Cases:** Qualkenbush v. Harris Trust & Savings Bank 219 F. Supp.2d 935 (N.D. Ill., 2002); Covington-McIntosh v. Mount Glenwood Memory Gardens 2002 WL 31369747 (N.D. Ill., 2002), 2003 WL 22359626 (N.D. Ill. 2003); Ballard Nursing Center, Inc. v. GF Healthcare Products, Inc., 2007 U.S. Dist. LEXIS 84425 (N.D. Ill. Nov. 14, 2007); Record-A-Hit, Inc. v. Nat'l. Fire Ins. Co., No. 1-07-0684, 2007 Ill. App. LEXIS 1194 (Ill. App. 1<sup>st</sup> Dist. Nov. 13, 2007).

**c. Heather A. Kolbus** (née Piccirilli) is a graduate of DePaul University (B.S. *cum laude*, 1997), and Roger Williams University School of Law (J.D., 2002). **Reported Cases:** Clark v. Experian Info. Solutions, Inc., 2004 U.S. Dist. LEXIS 28324 (D.S.C. Jan. 14, 2004); DeFrancesco v. First Horizon Home Loan Corp., 2006 U.S. Dist. LEXIS 80718 (S.D. Ill. Nov. 2, 2006); Jeppesen v. New Century Mortgage Corp., 2006 U.S. Dist. LEXIS 84035 (N.D. Ind. Nov. 17, 2006); Benedia v. Super Fair Cellular, Inc., 2007 U.S. Dist. LEXIS 71911 (N.D. Ill. Sept. 26, 2007).

**d. Thomas E. Soule** is a graduate of Stanford University (B.A., 2000), and the University of Wisconsin Law School (J.D., 2003). **Reported Cases:** Murray v. Sunrise Chevrolet, Inc., 441 F.Supp.2d 940 (N.D. Ill. 2006); Iosello v. Leiblys, Inc., 502 F. Supp.2d 782 (N.D. Ill. 2007); Claffey v. River Oaks Hyundai, Inc., 486 F. Supp.2d 776 (N.D. Ill. 2007).

**e. Cassandra P. Miller** is a graduate of the University of Wisconsin – Madison (B.A. 2001) and John Marshall Law School (J.D. *magna cum laude* 2006).

**Reported Cases:** Pietras v. Sentry Ins. Co., 513 F. Supp.2d 983 (N.D. Ill. 2007); Hernandez v. Midland Credit Mgmt., 2007 U.S. Dist. LEXIS 16054 (N.D. Ill. Sept. 25, 2007); Balogun v. Midland Credit Mgmt., 2007 U.S. Dist. LEXIS 74845 (S.D. Ind. Oct. 5, 2007).

f. **Tiffany N. Hardy** (admitted NY, DC, IL) is a graduate of Tuskegee University (B.A. 1998) and Syracuse University College of Law (J.D.2001).

g. **Zachary Jacobs** is a graduate of the University of South Dakota (B.S. 2002) and Chicago-Kent College of Law, Illinois Institute of Technology (J.D. 2007).

h. **Rupali Shah** is a graduate of the University of Chicago (B.A. 2004) and University of Illinois College of Law (J.D. 2007).

i. **Michael J. Aschenbrener** is a graduate of the University of Minnesota (B.A. 2001) and the Chicago-Kent College of Law, Illinois Institute of Technology (J.D. May 2007).

8. The firm also has 15 legal assistants, as well as other support staff.

9. Since its inception, the firm has recovered more than \$500 million for consumers.

10. The types of cases handled by the firm are illustrated by the following:

11. **Mortgage charges and servicing practices:** The firm has been involved in dozens of cases, mostly class actions, complaining of illegal charges on mortgages and improper servicing practices. These include MDL-899, In re Mortgage Escrow Deposit Litigation, and MDL-1604, In re Ocwen Federal Bank FSB Mortgage Servicing Litigation, as well as the Fairbanks mortgage servicing litigation. Decisions in the firm's mortgage cases include: Christakos v. Intercounty Title Co., 196 F.R.D. 496 (N.D.Ill. 2000); Johnstone v. Bank of America, N.A., 173 F.Supp.2d 809 (N.D.Ill. 2001); Leon v. Washington Mut. Bank, F.A., 164 F.Supp.2d 1034 (N.D.Ill. 2001); Williamson v. Advanta Mortg. Corp., 1999 U.S. Dist. LEXIS 16374 (N.D.Ill., Oct. 5, 1999); McDonald v. Washington Mut. Bank, F.A., 2000 U.S. Dist. LEXIS 11496 (N.D.Ill., June 22, 2000); Metmor Financial, Inc. v. Eighth Judicial District Court, No. 23848 (Nev.Sup.Ct., Apr. 27, 1993); GMAC Mtge. Corp. v. Stapleton, 236 Ill.App.3d 486, 603 N.E.2d 767 (1st Dist. 1992), leave to appeal denied, 248 Ill.2d 641, 610 N.E.2d 1262 (1993); Leff v. Olympic Fed. S. & L. Ass'n, 1986 WL 10636 (N.D.Ill. 1986); Aitken v. Fleet Mtge. Corp., 1991 U.S.Dist. LEXIS 10420 (N.D.Ill. 1991), and 1992 U.S.Dist. LEXIS 1687 (N.D.Ill., Feb. 12, 1992); Poindexter v. National Mtge. Corp., 1991 U.S.Dist. LEXIS 19643 (N.D.Ill., Dec. 23, 1991), later opinion, 1995 U.S.Dist. LEXIS 5396 (N.D.Ill., April 24, 1995); Sanders v. Lincoln Service Corp., 1993 U.S.Dist. LEXIS 4454 (N.D.Ill. 1993); Robinson v. Empire of America Realty Credit Corp., 1991 U.S.Dist. LEXIS 2084 (N.D.Ill., Feb. 20, 1991); In re Mortgage Escrow Deposit Litigation, M.D.L. 899, 1994 U.S.Dist. LEXIS 12746 (N.D.Ill., Sept.

8, 1994); Greenberg v. Republic Federal S. & L. Ass'n, 1995 U.S. Dist. LEXIS 5866 (N.D.Ill., May 1, 1995).

12. The recoveries in the escrow overcharge cases alone are over \$250 million. Leff was the seminal case on mortgage escrow overcharges.

13. The escrow litigation had a substantial effect on industry practices, resulting in limitations on the amounts which mortgage companies held in escrow.

14. **Bankruptcy:** The firm brought a number of cases complaining that money was being systematically collected on discharged debts, in some cases through the use of invalid reaffirmation agreements, including the national class actions against Sears and General Electric. Conley v. Sears, Roebuck, 1:97cv11149 (D.Mass); Fisher v. Lechmere Inc., 1:97cv3065, (N.D.Ill.). These cases were settled and resulted in recovery by nationwide classes. Cathleen Combs successfully argued the first Court of Appeals case to hold that a bankruptcy debtor induced to pay a discharged debt by means of an invalid reaffirmation agreement may sue to recover the payment. Bessette v. Avco Financial Services, 230 F.3d 439 (1st Cir. 2000).

15. **Automobile sales and financing practices:** The firm has brought many cases challenging practices relating to automobile sales and financing, including:

a. Hidden finance charges resulting from pass-on of discounts on auto purchases. Walker v. Wallace Auto Sales, Inc., 155 F.3d 927, 1998 U.S. App. LEXIS 22663 (7th Cir. 1998).

b. Misrepresentation of amounts disbursed for extended warranties. Taylor v. Quality Hyundai, Inc., 150 F.3d 689, 1998 U.S.App. LEXIS 16434 (7th Cir. 1998); Grimaldi v. Webb, 282 Ill.App.3d 174, 668 N.E.2d 39 (1st Dist. 1996), leave to appeal denied, 169 Ill.2d 566 (1996); Slawson v. Currie Motors Lincoln Mercury, Inc., 1995 U.S. Dist. LEXIS 451 (N.D.Ill., Jan. 5, 1995); Cirone-Shadow v. Union Nissan, Inc., 1995 U.S. Dist. LEXIS 1379 (N.D.Ill., Feb. 3, 1995), later opinion, 1995 U.S. Dist. LEXIS 5232 (N.D.Ill., April 20, 1995) (same); Chandler v. Southwest Jeep-Eagle, Inc., 1995 U.S. Dist. LEXIS 8212 (N.D.Ill., June 8, 1995); Shields v. Lefta, Inc., 1995 U.S. Dist. LEXIS 7807 (N.D.Ill., June 5, 1995).

c. Spot delivery. Janikowski v. Lynch Ford, Inc., 1999 U.S. Dist. LEXIS 3524 (N.D.Ill., March 11, 1999); Diaz v. Westgate Lincoln Mercury, Inc., 1994 U.S. Dist. LEXIS 16300 (N.D.Ill. 1994); Grimaldi v. Webb, 282 Ill.App.3d 174, 668 N.E.2d 39 (1st Dist. 1996), leave to appeal denied, 169 Ill.2d 566 (1996).

d. Force placed insurance. Bermudez v. First of America Bank Champion, N.A., 860 F.Supp. 580 (N.D.Ill. 1994); Travis v. Boulevard Bank, 1994 U.S. Dist. LEXIS 14615 (N.D.Ill., Oct. 13, 1994), modified, 880 F.Supp. 1226 (N.D.Ill., 1995); Moore v. Fidelity Financial Services, Inc., 884 F. Supp. 288 (N.D.Ill. 1995).



e. Improper obligation of cosigners. Lee v. Nationwide Cassell, 174 Ill.2d 540, 675 N.E.2d 599 (1996); Taylor v. Trans Acceptance Corp., 267 Ill.App.3d 562, 641 N.E.2d 907 (1st Dist. 1994), leave to appeal denied, 159 Ill.2d 581, 647 N.E.2d 1017 (1995).

f. Evasion of FTC holder rule. Brown v. LaSalle Northwest Nat'l Bank, 148 F.R.D. 584 (N.D.Ill. 1993), 820 F.Supp. 1078 (N.D.Ill. 1993), and 1993 U.S. Dist. LEXIS 11419 (N.D.Ill., Aug. 13, 1993).

16. These cases also had a substantial effect on industry practices. The warranty cases, such as Grimaldi, Gibson, Slawson, Cirone-Shadow, Chandler, and Shields, resulted in the Federal Reserve Board's revision of applicable disclosure requirements, so as to prevent car dealers from representing that the charge for an extended warranty was being disbursed to a third party when that was not in fact the case.

17. **Predatory lending practices:** The firm has brought numerous cases challenging predatory mortgage and "payday" lending practices, mostly as class actions. Livingston v. Fast Cash USA, Inc., 753 N.E.2d 572 (Ind. Sup. Ct. 2001); Williams v. Chartwell Fin. Servs., 204 F.3d 748 (7th Cir. 2000); Parker v. 1-800 Bar None, a Financial Corp., Inc., 01 C 4488, 2002 WL 215530 (N.D.Ill., Feb 12, 2002); Gilkey v. Central Clearing Co., 202 F.R.D. 515 (E.D.Mich. 2001); Van Jackson v. Check 'N Go of Ill., Inc., 114 F.Supp.2d 731 (N.D.Ill. 2000), later opinion, 193 F.R.D. 544 (N.D.Ill. 2000), 123 F.Supp. 2d 1079 (N.D.Ill. 2000), later opinion, 123 F.Supp. 2d 1085 (N.D.Ill. 2000); Henry v. Cash Today, Inc., 199 F.R.D. 566 (S.D.Tex. 2000); Donnelly v. Illini Cash Advance, Inc., 00 C 94, 2000 WL 1161076, 2000 U.S. Dist. LEXIS 11906 (N.D.Ill., Aug. 14, 2000); Jones v. Kunin, 2000 U.S. Dist. LEXIS 6380 (S.D.Ill., May 1, 2000); Davis v. Cash for Payday, 193 F.R.D. 518 (N.D.Ill. 2000); Reese v. Hammer Fin. Corp., 99 C 716, 1999 U.S. Dist. LEXIS 18812, 1999 WL 1101677 (N.D.Ill., Nov. 29, 1999); Pinkett v. Moolah Loan Co., 1999 U.S. Dist. LEXIS 17276 (N.D.Ill., Nov. 1, 1999); Gutierrez v. Devon Fin. Servs., 1999 U.S. Dist. LEXIS 18696 (N.D.Ill., Oct. 6, 1999); Vance v. National Benefit Ass'n, 99 C 2627, 1999 WL 731764, 1999 U.S. Dist. LEXIS 13846 (N.D.Ill., Aug. 26, 1999).

18. **Other consumer credit issues:** The firm has also brought a number of other Truth in Lending and consumer credit cases, mostly as class actions, involving such issues as:

a. Phony nonfiling insurance. Edwards v. Your Credit Inc., 148 F.3d 427, 1998 U.S. App. LEXIS 16818 (5th Cir. 1998); Adams v. Plaza Finance Co., 1999 U.S. App. LEXIS 1052 (7th Cir., January 27, 1999); Johnson v. Aronson Furniture Co., 1997 U.S. Dist. LEXIS 3979 (N.D. Ill., March 31, 1997).

b. The McCarran Ferguson Act exemption. Autry v. Northwest Premium Services, Inc., 144 F.3d 1037, 1998 U.S. App. LEXIS 9564 (7th Cir. 1998).

c. Loan flipping. Emery v. American General, 71 F.3d 1343 (7th Cir. 1995). Emery limited the pernicious practice of "loan flipping," in which consumers are solicited for new loans and are then refinanced, with "short" credits for unearned finance charges and insurance premiums being given through use of the "Rule of 78s."

d. Home improvement financing practices. Fidelity Financial Services, Inc. v. Hicks, 214 Ill.App.3d 398, 574 N.E.2d 15 (1st Dist. 1991), leave to appeal denied, 141 Ill.2d 539, 580 N.E.2d 112; Heastie v. Community Bank of Greater Peoria, 690 F.Supp. 716 (N.D.Ill. 1989), later opinion, 125 F.R.D. 669 (N.D.Ill. 1990), later opinions, 727 F.Supp. 1133 (N.D.Ill. 1990), and 727 F.Supp. 1140 (N.D.Ill. 1990). Heastie granted certification of a class of over 6,000 in a home improvement fraud case.

e. Arbitration clauses. Wrightson v. ITT Financial Services, 617 So.2d 334 (Fla. 1st DCA 1993).

f. Insurance packing. Elliott v. ITT Corp., 764 F.Supp. 102 (N.D.Ill. 1990), later opinion, 150 B.R. 36 (N.D.Ill. 1992).

**19. Automobile leases:** The firm has brought a number of a cases alleging illegal charges and improper disclosures on automobile leases, mainly as class actions. Decisions in these cases include Lundquist v. Security Pacific Automotive Financial Services Corp., Civ. No. 5:91-754 (TGFD) (D.Conn.), aff'd, 993 F.2d 11 (2d Cir. 1993); Kedziora v. Citicorp Nat'l Services, Inc., 780 F.Supp. 516 (N.D.Ill. 1991), later opinion, 844 F.Supp. 1289 (N.D.Ill. 1994), later opinion, 883 F.Supp. 1144 (N.D.Ill. 1995), later opinion, 1995 U.S.Dist. LEXIS 12137 (N.D.Ill., Aug. 18, 1995), later opinion, 1995 U.S.Dist. LEXIS 14054 (N.D.Ill., Sept. 25, 1995); Johnson v. Steven Sims Subaru and Subaru Leasing, 1993 U.S.Dist. LEXIS 8078 (N.D.Ill., June 9, 1993), and 1993 U.S.Dist. LEXIS 11694 (N.D.Ill., August 20, 1993); McCarthy v. PNC Credit Corp., 1992 U.S.Dist. LEXIS 21719 (D.Conn., May 27, 1992); Kinsella v. Midland Credit Mgmt., Inc., 1992 U.S.Dist. LEXIS 1405, 1992 WL 26908 (N.D.Ill. 1992); Highsmith v. Chrysler Credit Corp., 18 F.3d 434 (7th Cir. 1994); Black v. Mitsubishi Motors Credit of America, Inc., 1994 U.S.Dist. LEXIS 11158 (N.D.Ill., August 10, 1994); Simon v. World Omni Leasing Inc., 146 F.R.D. 197 (S.D.Ala. 1992). Settlements in such cases include Shepherd v. Volvo Finance North America, Inc., 1-93-CV-971 (N.D.Ga.)(\$8 million benefit); McCarthy v. PNC Credit Corp., 291 CV 00854 PCD (D.Conn.); Lynch Leasing Co. v. Moore, 90 CH 876 (Circuit Court of Cook County, Illinois) (class in auto lease case was certified for litigation purposes, partial summary judgment was entered, and case was then settled); Blank v. Nissan Motor Acceptance Corp., 91 L 8516 (Circuit Court of Cook County, Illinois); Mortimer v. Toyota Motor Credit Co., 91 L 18043 (Circuit Court of Cook County, Illinois); Duffy v. Security Pacific Automotive Financial Services, Inc., 93-729 IEG (BTM) (S.D.Cal., April 28, 1994).

**20.** Lundquist and Highsmith are leading cases; both held that commonly-used lease forms violated the Consumer Leasing Act. As a result of the Lundquist case, the Federal

Reserve Board completely revamped the disclosure requirements applicable to auto leases, resulting in vastly improved disclosures to consumers.

**21. Collection practices:** The firm has brought a number of cases under the Fair Debt Collection Practices Act, both class and individual. Decisions in these cases include: Jenkins v. Heintz, 25 F.3d 536 (7th Cir. 1994), aff'd 115 S.Ct. 1489, 131 L.Ed.2d 395 (1995); Johnson v. Revenue Management Corp., 169 F.3d 1057, 1999 U.S. App. LEXIS 3142 (7th Cir. 1999); Keele v. Wexler & Wexler, 1996 U.S. Dist. LEXIS 3253 (N.D.Ill., March 18, 1996) (class), 1995 U.S. Dist. LEXIS 13215 (N.D.Ill. 1995) (merits), aff'd, 149 F.3d 589, 1998 U.S. App. LEXIS 15029 (7th Cir. 1998); Mace v. Van Ru Credit Corp., 109 F.3d 338, 1997 U.S. App. LEXIS 5000 (7th Cir., Mar. 17, 1997); Maguire v. Citicorp Retail Services, Inc., 147 F.3d 232, 1998 U.S. App. LEXIS 16112 (2d Cir. 1998); Young v. Citicorp Retail Services, Inc., 1998 U.S. App. LEXIS 20268 (2d Cir. 1998); Charles v. Lundgren & Assocs., P.C., 119 F.3d 739, 1997 U.S. App. LEXIS 16786 (9th Cir. 1997); Avila v. Rubin, 84 F.3d 222 (7th Cir. 1996), aff'g Avila v. Van Ru Credit Corp., 1995 U.S. Dist. LEXIS 461 (N.D.Ill., Jan. 10, 1995), later opinion, 1995 U.S. Dist. LEXIS 1502 (N.D.Ill., Feb. 6, 1995), later opinion, 1995 U.S. Dist. LEXIS 17117 (N.D.Ill., Nov. 14, 1995); Tolentino v. Friedman, 833 F.Supp. 697 (N.D.Ill. 1993), aff'd in part and rev'd in part, 46 F.3d 645 (7th Cir. 1995); Blakemore v. Pekar, 895 F.Supp. 972 (N.D.Ill. 1995); Oglesby v. Rotche, 1993 U.S. Dist. LEXIS 15687 (N.D.Ill., Nov. 4, 1993), later opinion, 1994 U.S. Dist. LEXIS 4866 (N.D.Ill., April 15, 1994); Laws v. Cheslock, 1999 U.S. Dist. LEXIS 3416 (N.D.Ill., Mar. 8, 1999); Davis v. Commercial Check Control, Inc., 1999 U.S. Dist. LEXIS 1682 (N.D.Ill., Feb. 12, 1999); Hoffman v. Partners in Collections, Inc., 1993 U.S. Dist. LEXIS 12702 (N.D.Ill., Sept. 15, 1993); Vaughn v. CSC Credit Services, Inc., 1994 U.S. Dist. LEXIS 2172 (N.D.Ill., March 1, 1994), adopted, 1995 U.S. Dist. LEXIS 1358 (N.D.Ill., Feb. 3, 1995); Beasley v. Blatt, 1994 U.S. Dist. LEXIS 9383 (N.D.Ill., July 14, 1994); Taylor v. Fink, 1994 U.S. Dist. LEXIS 16821 (N.D.Ill., Nov. 23, 1994); Gordon v. Fink, 1995 U.S. Dist. LEXIS 1509 (N.D.Ill., Feb. 7, 1995); Brujis v. Shaw, 876 F.Supp. 198 (N.D.Ill. 1995). Settlements in such cases include Boddie v. Meyer, 93 C 2975 (N.D.Ill.); and Cramer v. First of America Bank Corporation, 93 C 3189 (N.D.Ill.).

**22.** Jenkins v. Heintz is a leading decision regarding the liability of attorneys under the Fair Debt Collection Practices Act. I argued it before the Supreme Court and Seventh Circuit. Avila v. Rubin is a leading decision on phony "attorney letters."

**23. Fair Credit Reporting Act:** The firm has filed numerous cases under the Fair Credit Reporting Act, primarily as class actions. One line of cases alleges that lenders and automotive dealers, among others, improperly accessed consumers' credit information, without their consent and without having a purpose for doing so permitted by the FCRA. Important decisions in this area include: Cole v. U.S. Capital, Inc., 389 F.3d 719 (7th Cir. 2004), Murray v. GMAC Mortgage Corp., 434 F.3d 948 (7th Cir. 2006); Perry v. First National Bank, 459 F.3d 816 (7th Cir. 2006); Murray v. Sunrise Chevrolet, Inc., 441 F. Supp.2d 940 (N.D. Ill. 2006); Murray v. GMAC Mortgage Corp., 05 C 1229, \_\_\_\_\_ F.Supp.2d \_\_\_\_\_, 2007 U.S. Dist. LEXIS 26726 (N.D.Ill. April 10, 2007); Shellman v. Countrywide Home Loans, Inc., 1:05-CV-234-TS, 2007

U.S. Dist. LEXIS 27491 (N.D.Ind., April 12, 2007); In re Ocean Bank, 06 C 3515, 2007 U.S. Dist. LEXIS 28973 (N.D.Ill., March 16, 2007), later opinion, 2007 U.S. Dist. LEXIS 29443 (N.D. Ill., Apr. 9, 2007); Asbury v. People's Choice Home Loan, Inc., 05 C 5483, 2007 U.S. Dist. LEXIS 17654 (N.D.Ill., March 12, 2007); Claffey v. River Oaks Hyundai, Inc., 238 F.R.D. 464 (N.D.Ill. 2006); Murray v. IndyMac Bank, FSB, 461 F.Supp.2d 645 (N.D.Ill. 2006); Kudlicki v. Capital One Auto Finance, Inc., 2006 U.S. Dist. LEXIS 81103 (N.D. Ill., Nov. 2, 2006); Thomas v. Capital One Auto Finance, Inc., 2006 U.S. Dist. LEXIS 81358 (N.D. Ill., Oct. 24, 2006); Pavone v. Aegis Lending Corp., 2006 U.S. Dist. LEXIS 62157 (N.D. Ill., Aug. 31, 2006); Murray v. E\*Trade Financial Corp., 2006 U.S. Dist. LEXIS 53945 (N.D. Ill., July 19, 2006); Bonner v. Home 123 Corp., 2006 U.S. Dist. LEXIS 37922 (N.D. Ind., May 25, 2006); Murray v. Sunrise Chevrolet, Inc., 2006 U.S. Dist. LEXIS 19626 (N.D. Ill., Mar. 30, 2006); and Murray v. Finance America, LLC, 2006 U.S. Dist. LEXIS 7349 (N.D. Ill., Jan 5, 2006). More than 15 such cases have been settled on a classwide basis.

**24. Class action procedure:** Important decisions include Crawford v. Equifax Payment Services, Inc., 201 F.3d 877 (7th Cir. 2000); Blair v. Equifax Check Services, Inc., 181 F.3d 832 (7th Cir. 1999); Mace v. Van Ru Credit Corp., 109 F.3d 338, 344 (7th Cir. 1997); and Gordon v. Boden, 224 Ill.App.3d 195, 586 N.E.2d 461 (1st Dist. 1991).

**25. Landlord-tenant:** The firm has brought a number of class actions against landlords for various matters including failing to pay interest on security deposits or commingling security deposits, breach of the warranty of habitability, improper late charges, and various violations of the CRLTO. Reported decisions include: Wang v. Williams, 343 Ill. App. 3d 495; 797 N.E.2d 179 (5<sup>th</sup> Dist. 2003); Onni v. Apartment Management and Investment Co., 344 Ill. App. 3d 1099; 801 N.E.2d 586 (2d Dist. 2003) (case challenging improper late charges, which later settled on a class basis for \$200,000); Dickson v. West Koke Mill Village P'Ship, 329 Ill.App.3d 341 (4<sup>th</sup> Dist. 2002). Illustrative cases include: Hale v. East Lake Management & Developmental Corp., et al., 00 CH 16139, in the Cook County Circuit Court, Judge Madden granted class certification for tenants who had not been paid their security deposit interest after the end of each twelve month rental period. The East Lake case later settled on a classwide basis for over \$400,000.

**26.** Some of the other reported decisions in our cases include: Elder v. Coronet Ins. Co., 201 Ill.App.3d 733, 558 N.E.2d 1312 (1st Dist. 1990); Smith v. Keycorp Mtge. Inc., 151 Bankr. 870 (N.D.Ill. 1992); Gordon v. Boden, 224 Ill.App.3d 195, 586 N.E.2d 461 (1st Dist. 1991), leave to appeal denied, 144 Ill.2d 633, 591 N.E.2d 21, cert. denied, U.S. (1992); Armstrong v. Edelson, 718 F.Supp. 1372 (N.D.Ill. 1989); Newman v. 1st 1440 Investment, Inc., 1993 U.S.Dist. LEXIS 354 (N.D.Ill. 1993); Mountain States Tel. & Tel. Co. v. District Court, 778 P.2d 667 (Colo. 1989); Disher v. Fulgoni, 124 Ill.App.3d 257, 464 N.E.2d 639, 643 (1st Dist. 1984); Harman v. Lyphomed, Inc., 122 F.R.D. 522 (N.D.Ill. 1988); Haslam v. Lefta, Inc., 1992 U.S.Dist. LEXIS 3623 (N.D.Ill., March 25, 1994); Source One Mortgage Services Corp. v. Jones, 1994 U.S.Dist. LEXIS 333 (N.D.Ill., Jan. 13, 1994).



27. Gordon v. Boden is the first decision approving "fluid recovery" in an Illinois class action. Elder v. Coronet Insurance held that an insurance company's reliance on lie detectors to process claims was an unfair and deceptive trade practice.

s/Daniel A. Edelman  
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